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March 22, 2016

The Honorable Jack B. Weinstein  
Senior United States District Court Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

RE: Mr. Eric Lustig  
Docket No.: 15CR00137 (JBW)  
Lustig Family Assessment

Your Honor:

I am the Director of Client and Mitigation Services at the Federal Defenders of New York and a licensed social worker (registration pending) with the State of New York Office of Professions. Ms. Mildred Whalen requested that I conduct an assessment of Mr. Eric Lustig's family. To that end, I conducted home visits and meetings with Mr. Lustig and his family at their home and community in Stroudsburg, Pennsylvania. I met with the entire family for a two and one half hour interview and observation, and then met with the family, without Mr. Lustig, two days later for a four hour interview and observation. The following is a picture of the family unit as its members experienced the progression of Mr. Lustig's case.

**BACKGROUND**

On February 23, 2015, Mr. Eric Lustig was arrested and charged with possession of child pornography. He was released on bond and placed on electronic monitoring with other conditions of pretrial release, including counseling and limitations on his movement and family contact.

**FAMILY STRUCTURE**

Mr. Lustig works full-time in New York City and lives at the family's co-op apartment in Brighton Beach during the week. Mr. Lustig's parents-in-law live nearby in Coney Island. Mr. Lustig visits the family home in Pennsylvania on weekends. Mr. Lustig's wife, Victoria Lustig, and their two sons, twins [REDACTED], live in Pennsylvania to take advantage of better schools. Prior to his arrest, Mr. Lustig, Mrs. Lustig and their children maintained a close bond and the entire family unit was strong and supportive.

**POST-ARREST**

Prior to his arrest, Mr. Lustig shared parenting and planning responsibilities with Mrs. Lustig. Mr. Lustig worked as the family's sole financial provider throughout their marriage, and continued

to be the sole provider after his arrest. Mrs. Lustig maintained the household in Pennsylvania and monitored the children during weekdays; she completed homework with them and organized their afterschool activities. Mr. Lustig planned family trips and outdoor activities for his weekends with his family. Mr. Lustig was baptized with his sons into Mrs. Lustig's faith and the family attended church services together every Sunday. The family made frequent visits to community events, parks, and New York City, and the boys looked forward the weekends with their father.

After his arrest, the family's sense of security and flexibility changed dramatically. Already suffering from anxiety, Mr. Lustig suffered a period of extreme depression, anxiety and confusion over the loss of his life as he knew it, but immediately began following the conditions of his release. Although Mrs. Victoria Lustig continued the same routine during the week, a heavy weight was now added to the pressure of parenthood. The constraint of Mr. Lustig's supervision rendered her alone in daily decision making as the family was limited in their freedom to contact and visit with Mr. Lustig. Because Mr. Lustig's movement was limited to inside the home, Mr. Lustig could not provide maintenance to the home's infrastructure or complete the weekly chores for which he was responsible. Mrs. Lustig took on those chores along with her parents. In order to maintain her children's sense of security, she refrained from informing them of Mr. Lustig's arrest, pretrial constraints, and pretrial requirements, but the daily and weekly uncertainty began to take its toll on her emotions, which she has suffered through silently.

During Mr. Lustig's initial arrest period, the children wondered about the constraints they observed, and still looked forward to their weekly visits with their father, but missed the social and emotional contributions to the family. Mr. and Mrs. Lustig's relationship became strained, but the couple continues to work on making their family unit stronger for their sons. They are both committed to each other and take their marriage and commitment very seriously.

### ***Pretrial Release***

Mr. Lustig has been compliant with all the conditions of pretrial release. He was able to keep his full-time job and continues to support his family, a role of which he is proud and does well. Mr. Lustig attends sex offender therapy services through Queens Counseling for Change, and counseling for other mental health issues with Irina Voskoboynik, and plans to continue therapy through the duration of his sentence and beyond.

### **FAMILY LIFE AND STRENGTHS**

Mr. Lustig's family members are extremely supportive of Mr. Lustig and have been throughout this case. Mrs. Lustig is committed to supporting Mr. Lustig and keeping their family stable, which has been one of the single most important factors in keeping the Lustig family operating and ensuring Mr. Lustig's success during pretrial release.

### ***Home Environment***

The family has stable housing, as well as adequate food and clothing. The family home in Pennsylvania, a 4 bedroom home, includes two living room areas, a kitchen, and 3 bathrooms. Each child has his/her own sleeping quarters and Mr. Lustig and Mrs. Lustig share a bedroom. Mrs. Lustig's parents sleep in the extra bedroom when they visit. The home is spacious, very clean, well-kept, organized and with enough space for each family member to have personal space. The physical environment is warm and comfortable, with pictures of the children and family members, as well as the children's awards and Lego constructions, and Mr. and Mrs. Lustig's collections of art and

cultural items displayed throughout the home. There is no evidence of substance abuse within the home by Mr. and Mrs. Lustig or their children.

The family has available, and uses, external support systems, including Mrs. Lustig's parents and the family's neighbors. The family's income is limited but managed well by Mr. and Mrs. Lustig.

### ***Parenting Skills and Family Interaction***

#### **Mr. Eric Lustig**

Mr. Lustig has and displays no known deficits in parenting skills. The interaction between Mr. Lustig and his children is developmentally and socially appropriate.

Mr. Lustig is a very supportive father and connects with his children on an emotional level. The children rely on their father for social support and guidance in their path from boyhood to manhood. Because the two boys see their father on weekends, it is a cherished time of which the boys take full advantage. As the boys grow older, they look to their father for advice on interpersonal relationships at school and in the community. Mr. Lustig discusses his children's experiences with his wife at length and together they come up with solutions on how to raise their sons. Mr. Lustig's children are affectionate towards their father and their obvious bond is expressed through respectful conversations and a willingness to share positive experiences and joyful memories. Mr. Lustig contributes financially to the family but also provides parental guidance; he is a role model to his sons, his contributions to his sons' wellbeing and upbringing are immeasurable.

#### **Mrs. Victoria Lustig**

Mrs. Lustig has and displays no known deficits in parenting skills. The interaction between Mrs. Lustig and her children are developmentally and socially appropriate.

Mrs. Lustig is a very strong and loving leader of the family. She has kept the family functioning as normally as possible throughout this ordeal. In addition to maintaining her sons' demanding schedule, she provides Mr. Lustig with an unwavering commitment to keep their family unit together throughout this time and in the future. At the same time, she is very unsure about the success of her family if Mr. Lustig were to be incarcerated. She states that without Mr. Lustig, her sons' lives would be completely uprooted and the family would be living under dire circumstances. Mrs. Lustig is the disciplinarian in the family and her children respond well to her guidance. She is their personal "team mom" and is very proud of their achievements and activities. She makes home-cooked meals that are nutritious and fall within the family's budget and ensures their lives are filled with physical and academic activities that are challenging and productive.

### ***Children and Characteristics***

The children have and display no known emotional, behavioral, intellectual, or physical issues. The children are well-behaved, well-groomed and able to converse and communicate appropriately with an adult visitor. During home visits, the children were welcoming and eager to share information about their interests and daily life. The children interacted with their parents in a respectful and comfortable manner.

#### **██████████ Lustig**

██████████ Lustig is 9 years old and attends public school in Pennsylvania. His grades are excellent, and he is a math whiz and Lego aficionado. ██████████ is somewhat reserved and quiet, but

warmed up after one visit. He was eager to display his awards and achievements in math and quick to share his experiences in academic achievement. Outside of school, [REDACTED] participates in Karate, dance, soccer, Boy Scouts, and attends as many community events as Mrs. Lustig can find. In community settings such as a church Easter egg hunt and soccer practice (which this author observed), [REDACTED] engages with others, maintains proper boundaries and displays a strong and appropriate attachment to his mother. His interaction with his parents is full of admiration, respect and pride.

[REDACTED] did not share any knowledge about this case and did not seem to know anything about the case.

### **[REDACTED] Lustig**

[REDACTED] Lustig is 9 years old and attends public school in Pennsylvania. [REDACTED] is very outgoing, curious and friendly and was comfortable enough to invite a visitor to join his family in future family gatherings and outings. [REDACTED] is a talented reader and shared the newest three chapter books he is working through. [REDACTED] has average grades, but has very astute observations about his interactions with peers and adults. [REDACTED] also participates in Karate, dance, soccer, Boy Scouts, and attends community events. In community settings, [REDACTED] is very playful and energetic but also maintains his attachment to his mother and brother. He seeks out peers he knows, is very encouraging of others' success and sensitive to others' inclusion in activities. [REDACTED] interaction with his parents is jovial, respectful, and loving.

[REDACTED] did not share any knowledge about this case and did not seem to know anything about the case.

### **CONCLUSION AND RECOMMENDATIONS**

Mr. Lustig's arrest and federal case have taken an emotional toll on Mr. Lustig and Mrs. Lustig, but both parents have managed to keep the stress of the experience out of their sons' lives. Both Mr. Lustig and Mrs. Lustig appear to suffer from depressive symptoms stemming from the morning of the arrest, the subsequent changes to the family life, and constant change in Mr. Lustig's circumstances within the past months.

The family is uncertain about how their family will move throughout the community after Mr. Lustig registers as a sex offender. The existing constraints have already affected plans that were in place, and their sons are beginning to question why Mr. Lustig cannot leave the home when he visits or attend any school and social events like he did in the past. Mr. Lustig and Mrs. Lustig have created a system of work, home, and events that encourage their children's spiritual, physical and emotional growth and they fear that this system will be interrupted by incarceration and/or harsh constraints that will punish their sons and impact their future.

Mr. Lustig will continue to work full-time and provide for his family. The family will continue to pursue their educational goals, hobbies, activities and interests while working around Mr. Lustig's requirements and restrictions. If Mr. Lustig were to be incarcerated, Mrs. Lustig imagines that she will sell her house, move to a small apartment near her parents and find a job. She imagines that she will be unable to find a well-paying job at her age and that her children's academic success will be negatively impacted. She is committed to her marriage and envisions that if Mr. Lustig is incarcerated and then released, he will not find a job with his current income. They will also have to rebuild their relationship, as well as the relationship between Mr. Lustig and his sons.

Mr. Lustig's financial and parental contributions to the Lustig household are vital to this family's survival; the family literally depends on Mr. Lustig for the basic needs of shelter, food, and clothing. Mr. Lustig's social and emotional contributions as a father are expected by his two sons and their absence would negatively impact the children's emotional, social, and cognitive development. It is evident Mr. Lustig's strong family structure is a protective factor that has helped him remain free of incidents while on pretrial release, and that will ensure his compliance with any future requirements of supervision.

Mr. and Mrs. Lustig may benefit from couples therapy or counseling at their church that is sensitive to their situation to process their feelings of grief, loss and change. The most beneficial outcome for the Lustigs will be to keep their family together.

Please contact me if you require any additional information.

Respectfully submitted,

A handwritten signature in black ink, reading "Vivianne Guevara". The signature is written in a cursive, flowing style.

Vivianne Guevara